

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Honorable Thomas A. Russo, Circuit Court Judge
Appellate Case No. 2011-198488

THE STATE,

Respondent,

vs.

JIMMY WILSON, JR.,

Appellant.

RECEIVED
MAY 17 2013
SC Court of Appeals

**MOTION TO ALLOW FILING OF
SUPPLEMENTAL RECORD ON APPEAL**

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On April 11, 2013, the State filed and served its Initial Brief of Respondent and Designation of Matter. In its Designation of Matter, the State properly designated the sentencing sheet, the indictment, and numerous pages from the sentencing transcript and the trial transcript, including pages 39-45, for inclusion in the Record on Appeal.

II.

On May 13, 2013, Appellant Jimmy Wilson, Jr., filed the Record on Appeal. However, Appellant inadvertently failed to include pages 39-45 of the trial transcript in the Record the Appeal as filed.

III.


Because properly designated matter was inadvertently omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the inadvertently omitted matter. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). Counsel for Appellant has indicated to the undersigned counsel for the State that he has no objection to the request. For the foregoing reasons, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter inadvertently omitted from the Record on Appeal.

WHEREFORE, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State’s Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
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May 17, 2013

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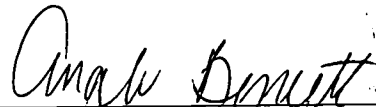
Appellant.

PROOF OF SERVICE

I, Angela S. Bennett, certify that I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Breen Richard Stevens, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 17th day of May, 2013.



ANGELA S. BENNETT
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

May 17, 2013

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: State v. Jimmy Wilson, Jr. – Appellate Case No. 2011-198488

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Allow Filing of Supplemental Record on Appeal and the original and nine copies of the Supplemental Record on Appeal, along with proof of service, for filing in the above-referenced criminal appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Breen Richard Stevens, Esq.
Victim Services

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